

## Senate Resolution 686

By: Senators Johnson of the 1st, Rogers of the 21st, Williams of the 19th, Adelman of the 42nd, Seabaugh of the 28th and others

**ADOPTED SENATE****A RESOLUTION**

Proposing an amendment to the Constitution so as to require the freezing of existing residential real property values as to potential increases and to provide that residential real property and interests therein shall be appraised for ad valorem taxation purposes at their fair market value as of the date of the owner's acquisition thereof; to provide for conditions and limitations regarding valuation increases; to provide for authority of the General Assembly with respect to the foregoing; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Article VII, Section I of the Constitution is amended in Paragraph III by striking the catchline and subparagraphs (a) and (b) and inserting in their places a new catchline and subparagraphs (a), (b), and (b.1) to read as follows:

"Paragraph III. ~~Uniformity; classification of property; assessment of agricultural land; utilities.~~ Uniformity; classification of property; assessment of residential real property, agricultural land, historic property, standing timber, and utilities. (a) All taxes shall be levied and collected under general laws and for public purposes only. Except as otherwise provided in subparagraphs (b), (b.1), (c), (d), and (e) of this Paragraph, all taxation shall be uniform upon the same class of subjects within the territorial limits of the authority levying the tax.

(b)(1) Except as otherwise provided in this subparagraph ~~(b)~~, classes of subjects for taxation of property shall consist of residential real property, other tangible property, and one or more classes of intangible personal property, including money; provided, however, that any taxation of intangible personal property may be repealed by general law without approval in a referendum effective for all taxable years beginning on or after January 1, 1996.

(2) Subject to the conditions and limitations specified by law, each of the following types of property may be classified as a separate class of property for ad valorem property

1 tax purposes and different rates, methods, and assessment dates may be provided for such  
2 properties:

3 (A) Trailers:-

4 (B) Mobile homes other than those mobile homes which qualify the owner of the  
5 home for a homestead exemption from ad valorem taxation; and:-

6 (C) Heavy-duty equipment motor vehicles owned by nonresidents and operated in  
7 this state.

8 (3) Motor vehicles may be classified as a separate class of property for ad valorem  
9 property tax purposes, and such class may be divided into separate subclasses for ad  
10 valorem purposes. The General Assembly may provide by general law for the ad  
11 valorem taxation of motor vehicles including, but not limited to, providing for different  
12 rates, methods, assessment dates, and taxpayer liability for such class and for each of its  
13 subclasses and need not provide for uniformity of taxation with other classes of property  
14 or between or within its subclasses. The General Assembly may also determine what  
15 portion of any ad valorem tax on motor vehicles shall be retained by the state. As used  
16 in this subparagraph, the term 'motor vehicles' means all vehicles which are  
17 self-propelled.

18 (b.1) Except as otherwise provided in subparagraphs (c) and (d) of this Paragraph:

19 (1) The value of residential real property and interests therein shall not be increased  
20 from the valuation of such property established for the 2008 taxable year except as a  
21 result of new construction, additions, or improvements to the property of the taxpayer  
22 which require a building permit unless such property is sold or transferred to a person  
23 other than the owner's spouse in which event such spouse shall retain the valuation  
24 pursuant to this subparagraph. Once transferred or sold to person other than the owner's  
25 spouse, residential real property and interests therein shall be appraised for ad valorem  
26 taxation purposes at their fair market values as of the date of the owner's acquisition  
27 thereof. Such property shall be subject to annual revaluation, but any such annual  
28 increase in the value of such residential real property shall not exceed an inflation  
29 percentage established by the state revenue commissioner for the current taxable year.  
30 The state revenue commissioner shall annually establish an inflation percentage to reflect  
31 the effect of economic inflation on individual taxpayers, and for such purpose, the state  
32 revenue commissioner may use the Consumer Price Index for all urban consumers  
33 published by the Bureau of Labor Statistics of the United States Department of Labor and  
34 any other reliable economic indicator determined by the state revenue commissioner to  
35 be appropriate.

36 (2) The General Assembly shall be authorized to provide by local Act that a local taxing  
37 jurisdiction shall not be subject to the annual revaluation provided for in this subparagraph.

(3) This subparagraph shall not apply to any ad valorem taxes in a local taxing jurisdiction in which a local Act has become effective prior to January 1, 2009, which provides a homestead exemption with respect to such ad valorem taxes in an amount equal to the amount by which the current year assessed value of a homestead exceeds the base year assessed value of such homestead."

## SECTION 2.

The above proposed amendment to the Constitution shall be published and submitted as provided in Article X, Section I, Paragraph II of the Constitution. The ballot submitting the above proposed amendment shall have written or printed thereon the following:

"( ) YES    Shall the Constitution of Georgia be amended so as to authorize the freezing of existing residential real property values until property is sold

( ) NO      and once sold provide that such residential real property shall be appraised for ad valorem taxation purposes at fair market value as of the date of the owner's acquisition thereof subject only to valuation increases at the inflation rate?"

All persons desiring to vote in favor of ratifying the proposed amendment shall vote "Yes."

All persons desiring to vote against ratifying the proposed amendment shall vote "No." If such amendment shall be ratified as provided in said Paragraph of the Constitution, it shall become a part of the Constitution of this state.